



SUSAN D. REED  
CRIMINAL DISTRICT ATTORNEY  
BEXAR COUNTY, TEXAS

Honorable United States  
District Court Judge Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Camden Plaza East  
Brooklyn, NY 11201

Re: Louis A. Bravo vs. Bexar County, Texas, et al; Cause No. ED-12-CV-4009(MKB)(LB) in the United States District Court for the Eastern District of New York – Eastern Division

Dear Judge Margo K. Brodie:

Pursuant to your Individual Practices and Rules, Defendant Bexar County Texas Criminal District Attorney's Office requests a Pre-Trial Conference to file the following motion:

Notice of Motion, in lieu of filing an Answer, for an Order Dismissing the Complaint, as well as the Background and Legal Arguments in support of Motion Dismissing the Complaint in lieu of Filing an Answer pursuant to Federal Rule of Civil Procedure 12(b)(2) – Lack of Jurisdiction – and Prosecutorial Immunity and the Younger Doctrine.

Plaintiff Louis A. Bravo is a pro se party. He asserts claims against the Bexar County Criminal District Attorney's Office in regard to a pending criminal case filed in the State of Texas. The Bexar County Criminal District Attorney's Office is situated in San Antonio, Texas. The Bexar County District Attorney's Office represents the State of Texas in criminal proceedings. Currently, the State of Texas has pending criminal charges against Plaintiff Louis Bravo in *The State of Texas v. Louis A. Bravo*, Cause No. 2011-CR-3382 in the 290<sup>th</sup> District Court of Bexar County, Texas. A

Bexar County Grand Jury entered True Bill of Indictment against Louis A. Bravo.

Bexar County will assert several grounds for dismissal, including:

1. The Bexar County Criminal District Attorney's Office is not a separate governmental agency from Bexar County, Texas. Under New York and Texas law, departments and offices that are merely administrative arms of a municipality do not have a legal identity separate and apart from the municipality and, therefore, cannot sue or be sued.
2. Mr. Bravo's alleged claims arise from the criminal prosecution of Mr. Bravo in a Court of the State of Texas. It is well established that a state prosecuting attorney who acted within the scope of her duties in initiating and pursuing a criminal prosecution is immune from a civil suit for damages under §1983.
3. The Bexar County Criminal District Attorney's Office is situated in San Antonio, Texas and therefore objects to the jurisdiction of a District Court in New York. There are no traditional bases for exercising personal jurisdiction over the Bexar County Criminal District Attorney's Office, and it does not have sufficient contacts with New York to satisfy the minimum contacts test for either general or specific personal jurisdiction.
4. A State of Texas criminal proceeding is currently pending against Mr. Bravo. *Younger v. Harris*, 401 U.S. 37, 91 S. Ct. 746, 27 L. Ed. 2d 669 (1971), and its progeny espouse a strong federal policy against federal court interference with pending state judicial proceedings absent extraordinary circumstances. The prosecution of crime is one of the major state judicial functions. There is a strong possibility that this civil case could interfere with the criminal prosecution of the State of Texas's case against Louis A. Bravo.

In regard to a Pre-Trial Conference, the attorney for the Bexar County Criminal District Attorney's Office would request that the conference be telephonic and if possible, not schedule from November 16 through November 21, 2012.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Susan A. Bowen". The signature is written in a cursive style with a large, stylized initial 'S'.

SUSAN A. BOWEN  
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